

**REMARKS/ARGUMENTS**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed August 8, 2005. Claims 15-17, 21, 26, and 28 have been canceled, claims 1, 2, 4, 6-8, 10, 13, 14, 18, 20, 27, and 29 have been amended, and new claims 30-32 have been added. Support for the amendments and new claims is found in the specification, claims, and drawings as originally filed. No new matter has been added. Claims 1-14, 18-20, 22-25, 27, and 29-32 are pending, with claims 22-25 withdrawn from consideration. Reconsideration and examination are respectfully requested.

**Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 16-19, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Restriction Requirement**

Applicants thank the Examiner for rejoining claims 14-21. Applicants confirm that the election of Group I was made without traverse.

**Drawing Objection**

The drawings are objected to because the numerals in many of the figures are informal. Applicants submit herewith formal drawings. Please substitute the attached formal drawings for those originally filed. No new matter has been added.

**Rejection under 35 U.S.C. §102(b)**

Claim 1 is rejected as being anticipated by Royalty et al. The Examiner asserts that Royalty et al. shows a pivoting damper with lips 44 extending from opposite sides of the damper blade, and shaft 40 driven by controller 28 (drive mechanism). Claim 1 has been amended to include the elements of claim 28, which was indicated as containing allowable subject matter. As such, claim 1 is now believed to be in condition for allowance. For similar and other reasons,

dependent claims 2-13 are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 1-4, 6, 8, 14, 15, 20, 26, and 27 are rejected as being anticipated by Klingberg. The Examiner asserts that Klingberg teach rectangular vanes 17 that rotate in opposite directions, each vane having a lip 22 extending along the length of the edge and extending in opposite directions. Independent claim 1 has been amended to include the elements of claim 28, which was indicated as containing allowable subject matter. As such, independent claim 1 and dependent claims 2-13 are believed to be in condition for allowance.

Independent claim 14 has been amended to include the elements of claim 16 and intervening claim 15. Claim 16 was indicated as containing allowable subject matter. As such, claim 14 is believed to be in condition for allowance. For similar and other reasons, dependent claims 17-19 are also believed to be in condition for allowance.

Independent claim 20, as amended, recites a damper vane having a vane body with first and second lips and first and second ribs projecting outwardly from the first and second major sides of the vane, respectively, where the ribs are positioned between the lips and a central axis of rotation. Klingberg does not appear to teach such a damper vane. Klingberg thus does not appear to teach each and every element of independent claims 1 or 20, or the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-6, 8-11, and 20 are rejected as being anticipated by or, in the alternative, as obvious over Cary et al. The Examiner asserts that Cary et al. teach a damper blade having opposing edges, vane turning surfaces (lips) 14, a central pivot shaft 11-12, and a drive mechanism (shaft). The Examiner asserts that if one does not consider the shaft to be a drive mechanism, it would have been obvious to provide means to rotate the damper shaft to give it added utility. As stated above, claim 1 has been amended to include the subject matter of claim 28, which was indicated as being allowable. As such, independent claim 1 and dependent claims 2-13 are believed to be in condition for allowance.

Independent claim 20, as amended, recites a damper vane having a vane body with first and second lips and first and second ribs projecting outwardly from the first and second major

sides of the vane, respectively, where the ribs are positioned between the lips and a central axis of rotation. Cary et al. do not appear to teach such a damper vane. Cary et al. thus do not appear to teach each and every element of independent claims 1 or 20, or the claims dependent thereon. Withdrawal of the rejection is respectfully requested.

Claims 7 and 21 are rejected as being unpatentable over Cary et al. in view of Royalty et al. The Examiner asserts that Royalty et al. shows a rib in Figs. 6-7 extending from the pivot axis to lips 44. Claim 21 has been incorporated into claim 20, with additional language that ribs extend substantially parallel to the lips. The rib in Royalty et al. appears to extend in the opposite direction. Claim 7 depends from claim 1. As noted above, independent claim 1 as amended is believed to be in condition for allowance. As such, and for the reasons given above, as well as other reasons, claim 7 is believed to be in condition for allowance.

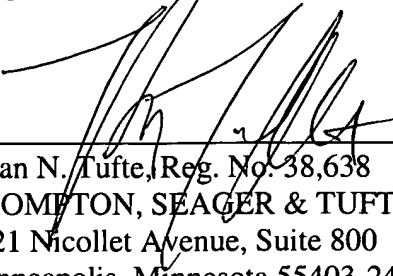
Claims 12 and 13 are rejected as being unpatentable over Cary et al. in view of Dickey et al. Claims 12 and 13 depend from independent claim 1, which as indicated above, is believed to be in condition for allowance. As such, and for the reasons given above, as well as other reasons, dependent claims 12-13 are also believed to be in condition for allowance.

Applicants have added new claims 30-32. New claims 30 and 32 are similar to original claim 14 with the elements of claim 17 incorporated therein. Claim 17 was indicated as containing allowable subject matter. As such, new claims 30 and 32 are believed to be in condition for allowance. New claim 31 is similar to original claim 1 with elements of currently amended claim 20 incorporated therein. For at least the reasons set forth above with respect to claim 20, new claim 31 is believed to be in condition for allowance.

Reconsideration and examination are respectfully requested. Applicants submit that the pending claims are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully Submitted,

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**Amendments to the Drawings**

The drawings were objected to by the Examiner and have been amended to contain uniformity in the numerals. Replacement drawings are attached. No new matter has been added.

Attachment: Replacement Drawing Sheets